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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,139	06/08/2001	Douglas Allyn Miller	005217.P051	1128
47053	7590	08/10/2005	EXAMINER	
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC			BUI, KIEU OANH T	
1420 FIFTH AVENUE			ART UNIT	
SUITE 2800			PAPER NUMBER	
SEATTLE, WA 98101-2347			2611	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/878,139	<b>Applicant(s)</b> MILLER, DOUGLAS ALLYN	
	<b>Examiner</b> KIEU-OANH T. BUI	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

2. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Hassell et al. (U.S. Patent Pub No. 2001/0050920 A1).

Regarding claim 1, Hassell discloses “a method comprising: sending one or more television signals, including trigger information related to content of the television signals, to a first client terminal via a first channel of a communication network; aggregating at least some of the trigger information related to the content of the sent television signals; and sending at least some of the aggregated trigger information to a second client terminal via a second channel of the communication network”, i.e., a first communication channel for transporting one or more television signals including trigger information related to the content of TV signals is done from a network to the receiver, as shown in Fig. 1 & 1B, as content aggregation 100 is gathering for broadcasting to the receiver or set top box 128 using type B (refer to page 2/par 0028 & 0029), and content triggers are using two transport types A & B (refer to page 1, par. 0007-0009), and as the receiver or set top box receives some of content triggers A & B (Figs. 3-5), the user can enable triggers and send to other users using a second communication channel or type A for

network connections, refer to Fig. 6 and page 4, par. 0052 & 0053 for scheduling the transfer of metadata.

As for claim 2, Hassell discloses “wherein aggregating the trigger information related to the content of the sent television signals includes extracting the trigger information from the television signals”, i.e., the set top box extracts the content trigger information in the VBI television signals according to ATVEF standard (refer to page 2, par. 0029).

As for claim 3, Hassell discloses “wherein aggregating the trigger information related to the content of the television signals includes receiving at least a portion of the trigger information via a direct feed from a source of the television signals” (direct feed from the server 120 of Fig. 1B, refer again to page 2, par. 0029).

As for claim 4, Hassell discloses “wherein aggregating the trigger information related to the content of the television signals includes receiving at least a portion of the trigger information from a third-party entity”, i.e., a plurality of sources is provided such as the Internet as a third party entity (refer to page 2, par. 0028).

As for claim 5, Hassell discloses “wherein aggregating the trigger information related to the content of the television signals includes receiving at least a portion of the trigger information from a unit that processes the television signals” (Fig. 1, a receiver 104 as a unit that receives the content trigger information and processes the TV signals, refer again to page 2, par. 0029 for the set top box).

As for claim 6, Hassell discloses further “comprising sending at least some of the aggregated trigger information to the second client terminal via a network different from the communication network”, i.e., the user can enable/disable some or all of event triggers and send

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to other users using a second communication channel or type A for network connections (page 1, par. 0009), refer to Fig. 6 and page 4, par. 0052 & 0053 for scheduling the transfer of metadata to other user terminal.

As for claim 7, Hassell suggests “wherein aggregating the trigger information related to the content of the television signals includes receiving the trigger information from at least one collection device among a plurality of collection devices”, i.e., a content aggregation unit regarding as one collection device comprises a server and a database for storing metadata from a plurality of sources –referred as collection devices for gathering/collecting information and data- (Fig. 1, and page 2/par. 0027) and from a plurality of receiving units/devices, page 2/par. 0028, because the receiver units request the metadata from the server for enhanced interactive services, (refer to page 2, par. 0029).

As for claim 8, Hassell discloses “wherein the plurality of collection devices include a bank of set top boxes, the method further comprising: tuning each set top box to a channel corresponding to a television signal; using the set top boxes to obtain trigger information from the television signal on the respective channels that the set top boxes are tuned to; and aggregating the trigger information obtained by the set top boxes and sending the aggregated trigger information to the second client terminal” (refer to claim 7 above for the discussion).

As for claim 9, Hassell discloses “wherein the plurality of collection devices include a plurality of deployed client terminals, the method further comprising: requesting the deployed client terminals to send trigger information; for the deployed client terminals, determining whether the trigger information to send has been previously sent; if the trigger information is determined to have not been previously sent, sending a copy of the trigger information from at

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least one of the deployed client terminals; and receiving the copy of the trigger information sent from the at least one of the deployed client terminals and delivering the trigger information to the second client terminal”, i.e., this refers to the procedure of Figure 1C as the checking steps of whether the user terminal is receiving the content trigger information or not, if yes or no, then appropriate actions is taken to further trigger enabled or not, and/or any valid metadata, whether to process or store the data or sending a request from the user terminal to the server as a copy for delivering the content trigger information to the second or other terminal using network connections as disclosed above, refer back to Fig. 6 and page 4/par. 0052-0053 for scheduling the data transfer to other terminals.

As for claim 10, Hassell discloses further “comprising modifying the trigger information received from the collection device, prior to sending that trigger information to the second client terminal” (Fig. 5, and page 4/par. 0050-0051 as the metadata is modified before scheduling to transfer to other terminals).

Regarding claims 11-14, these claims for “an article of manufacture, comprising: a machine-readable medium having instructions stored thereon to: aggregate at least some trigger information related to content of television signals that are sent to a first client terminal via a first channel of a communication network; and send at least some of the aggregated trigger information to a second client terminal via a second channel of the communication network” with same limitations as addressed earlier are rejected for the reasons given in the scope of claims 1-10 as disclosed in details above.

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As for claims 14-17, these claims for “an apparatus, comprising: an aggregator communicatively coupled to a broadcast center of an interactive television system, the aggregator capable to aggregate at least some trigger information related to content of television signals that are sent from the broadcast center to a first client terminal via a first channel of a communication network of the interactive television system, the aggregator further capable to send at least some of the aggregated trigger information to a second client terminal via a second channel of the communication network” with same limitations as addressed earlier are rejected for the reasons given in the scope of claims 1-10 as disclosed in details above.

Regarding claims 18-24, 28-30, and 33-34, these claims for “an interactive television system, comprising: a broadcast center to send television signals, along with information related to content of the television signals, to a first client terminal via a first channel of a communication network coupled to the broadcast center; and an aggregator communicatively coupled to the broadcast center, the aggregator capable to aggregate at least some of the trigger information related to the content of television signals that are sent from the broadcast center to the first client terminal, the aggregator further capable to send at least some of the aggregated trigger information to a second client terminal via a second channel of the communication network” (refer to page 2/par. 0028 for a broadcast center, as shown in Fig. 1B, can be from a cable, satellite, terrestrial, and/or Internet server systems, refer to page 2/par. 0028, and a content aggregation 100 as an aggregator for aggregating at least some of the trigger information related to the content of television signals that are sent from the broadcast centers to the clients/user terminals, set top box, computers, televisions and etc.) with same limitations as addressed earlier are rejected for the reasons given in the scope of claims 1-10 as disclosed in details above.

As for claims 25-27 and 31-32, these claims for “a method, comprising: sending one or more television signals, including trigger information related to content of the television signals, to a first client terminal via a first channel of a communication network; aggregating at least some of the trigger information related to the content of the sent television signals, wherein aggregation of the trigger information includes: requesting deployed client terminals to send trigger information; determining whether the trigger information to send has been previously sent; if the trigger information is determined to have not been previously sent, receiving a copy of the trigger information from at least one of the deployed client terminals; and sending at least some of the aggregated trigger information to a second client terminal via a second channel of the communication network” are disclosed by Hassell as discussed in claim-by-claim analysis of claims 1-10 above.

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Plotnick et al, Kaminsky et al, Cristofalo et al, and Bruckner et al (PTO-892 attached) disclose systems related to content aggregation and ATVEF triggers.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.



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The Fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal flourish extending to the right.

Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2611

KB  
August 05, 2005